

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALVARO BARRERA,

Petitioner,¹

v.

No. 19-cv-0653 MV/SMV

**KEVIN McALEENAN, MATTHEW T. ALBENCE,
WILLIAM P. BARR, FLOYD SAM FARMER,
DEAN KING, and CHAD MILLER,**

Respondents.

ORDER TO CURE

THIS MATTER is before the Court on the Petition for a Writ of Habeas Corpus [Doc. 1],² brought pursuant to 28 U.S.C. § 2241 and filed on July 17, 2019. Petitioner has not prepaid the \$5 filing fee or, alternatively, submitted an application to proceed *in forma pauperis*. See 28 U.S.C. § 1915(a) (2018). Petitioner must cure this deficiency no later than August 21, 2019. Failure to timely cure the deficiency may result in dismissal of this action without further notice.

IT IS THEREFORE ORDERED that, by **August 21, 2019**, Petitioner prepay the \$5 filing fee or, alternatively, submit a completed Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge

¹ Petitioner identifies as female and uses the first name Alejandra and female pronouns. [Doc. 1] at 2 n.1. Accordingly, the Court will refer to Petitioner as “she” or “her.”

² Petitioner explicitly requests habeas corpus relief. For example, she asks for release from detention pending resolution of her immigration claims or, alternatively, for a bond hearing. [Doc. 1] at 2. However, Petitioner also alleges that she “presents evidence of syphilis and possible neuro-syphilis,” but nevertheless has received no evaluation or treatment for these medical conditions. *Id.* at 6. To the extent that Petitioner wishes to assert a civil-rights claim for lack of medical treatment, she must do so in a separate lawsuit. See *Rhodes v. Hannigan*, 12 F.3d 989, 991 (10th Cir. 1993) (“A petition for habeas corpus attacks the fact or duration of . . . confinement and seeks the remedy of immediate release In contrast, a civil rights action . . . pursuant to 42 U.S.C. § 1983 attacks the conditions of the prisoner’s confinement and requests monetary compensation . . .”). No lack-of-medical-treatment claim will be addressed within this habeas corpus action.